

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alexander Schiavo	Team: Team # 4	CCRB Case #: 201102469	<input checked="" type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury		
Incident Date(s) Sunday, 02/20/2011 12:37 AM	Location of Incident: § 87(2)(b)		Precinct: 75	18 Mo. SOL 8/20/2012	EO SOL 8/20/2012
Date/Time CV Reported Sun, 02/20/2011 12:38 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/24/2011 2:22 PM		

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Subject Officer(s)	Shield	TaxID	Command
1. SGT Mohammed Karimzada	00786	905598	075 PCT
2. SGT Barbara Fischer	00000	920284	075 PCT
3. POM Kaz Daughtry	28690	940052	075 PCT
4. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM David Rosenberg	24499	947438	PBBN
2. POM Jason Jackson	10260	938704	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Mohammed Karimzada	Force: Sgt. Mohammed Karimzada used physical force against § 87(2)(b)	
B. Officers	Discourtesy: Officers spoke obscenely to § 87(2)(b) and individuals.	
C. Officers	Force: Officers used pepper spray against § 87(2)(b) and individuals.	
D.POM Kaz Daughtry	Force: PO Kaz Daughtry used physical force against § 87(2)(b)	
E.SGT Barbara Fischer	Force: Sgt. Barbara Fischer used physical force against § 87(2)(b)	
F. Officers	Force: Officers used physical force against § 87(2)(b) and § 87(2)(b)	
G.POM Kaz Daughtry	Force: PO Kaz Daughtry struck § 87(2)(b) and § 87(2)(b) with a baton.	
H. Officers	Force: Officers struck § 87(2)(b) and § 87(2)(b) with batons.	
I.SGT Barbara Fischer	Force: Sgt. Barbara Fischer pointed her gun at § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On February 20, 2011, an anonymous female filed a complaint with the IAB Command Center, generating log #11-07744 (encl. 26-27). The complaint was received by the CCRB on February 24, 2012 (encl. 28-33). On February 20, 2011 at 12:37 a.m., officers broke up a party that was occurring at § 87(2)(b) in Brooklyn. The following allegations resulted from the officers' actions:

- **Allegation A – Force:** Sgt. Mohammed Karimzada used physical force against § 87(2)(b) § 87(2)(g) § 87(2)(b) § 87(2)(g) § 87(2)(b) § 87(2)(g)
- **Allegation B – Discourtesy:** Officers spoke obscenely to § 87(2)(b) § 87(2)(b) and individuals. § 87(2)(g) § 87(2)(g) § 87(2)(b) § 87(2)(g)
- **Allegation C – Force:** Officers used pepper spray against § 87(2)(b) and individuals. § 87(2)(g) § 87(2)(g) § 87(2)(b) § 87(2)(g)
- **Allegation D – Force:** PO Kaz Daughtry used physical force against § 87(2)(b)
- **Allegation E – Force:** Sgt. Barbara Fischer used physical force against § 87(2)(b) § 87(2)(g) § 87(2)(b) § 87(2)(g) § 87(2)(b) § 87(2)(g)
- **Allegation F – Force:** Officers used physical force against § 87(2)(b) and § 87(2)(b) § 87(2)(g) § 87(2)(b) § 87(2)(g) § 87(2)(b) § 87(2)(g)
- **Allegation G – Force:** PO Kaz Daughtry struck § 87(2)(b) and § 87(2)(b) with a baton. § 87(2)(b) § 87(2)(b)
- **Allegation H – Force:** Officers struck § 87(2)(b) and § 87(2)(b) with batons. § 87(2)(g) § 87(2)(b) § 87(2)(g) § 87(2)(b) § 87(2)(g) § 87(2)(b)
- **Allegation I – Force:** Sgt. Barbara Fischer pointed her gun at § 87(2)(b) § 87(2)(g) § 87(2)(b) § 87(2)(g) § 87(2)(b) § 87(2)(g)
- § 87(4-b), § 87(2)(g) § 87(2)(b) § 87(2)(g) § 87(2)(b) § 87(2)(g)

This case was initially assigned to Inv. Margot Hesel. On October 26, 2011, it was reassigned to Inv. Jessica Welker following Inv. Hesel's resignation from the agency. On December 16, 2011, the case was reassigned to Inv. Alex Schiavo following Inv. Welker's resignation from the agency.

Results of Investigation

Civilian Statements

Complainant: ANONYMOUS

- *The complainant, who wished to remain anonymous, is a female.*

Statement to IAB

On February 21, 2011, an anonymous female filed a complaint with IAB (encl. 26-27) alleging that officers were beating people up for no reason at a house party at § 87(2)(b) in Brooklyn.

Phone Statement

On March 2, 2011, the complainant provided a phone statement (encl. 65). Two males at a house party started to fight each other. There were about 50 uniformed officers and over 100 guests at the party. The complainant stood outside the building and saw unidentified officers hitting § 87(2)(b) on the ribs and elbows with batons. Unidentified officers also struck § 87(2)(b) s unidentified cousin in the face, as well as another unidentified civilian in the legs, with batons.

Victim: § 87(2)(b)

- § 87(2)(b)

Phone Statement

§ 87(2)(b) resides in § 87(2)(b). He provided phone statements on April 7, 2011 (encl. 34) and April 20, 2011 (encl. 35-38). § 87(2)(g) On February 19, 2011, § 87(2)(b) his wife § 87(2)(b) and his son, § 87(2)(b) went to a surprise birthday party for § 87(2)(b) s nephew at § 87(2)(b) in Brooklyn. The owner of this building is § 87(2)(b) § 87(2)(b) s mother. § 87(2)(b) lives in the first floor apartment and her daughter, § 87(2)(b) lives in the second floor apartment. There were about 60 family members and friends at the party. Two hours after arriving, § 87(2)(b) went to the basement after consuming two to three seven-ounce beers. The disc jockey at the party suddenly stopped the music. § 87(2)(b) did not see or hear anyone fighting.

§ 87(2)(b) heard that officers were running into the apartment. He did not know where his son was, so he went to the first floor to find him. As § 87(2)(b) reached the first floor, he saw an unidentified officer, PO1, a 5'9" to 5'10" tall white male in his late 20s to early 30s with light brown hair in a crew cut, standing in front of a group of 10 to 15 people. During his official statement, but not during his phone statement, § 87(2)(b) alleged that PO1 said to the group of people, "Back the fuck up. Get in the house and close the door." § 87(2)(b) repeated that everyone should get inside § 87(2)(b) s apartment. The group of people moved inside § 87(2)(b) s apartment. As the door to § 87(2)(b) s apartment closed, PO1 pepper-sprayed the group.

Inside the second floor apartment, § 87(2)(b) was washing pepper spray out of his eyes. § 87(2)(b) did not see his son get pepper-sprayed and he did not know how his son got pepper spray in his eyes. § 87(2)(b) left the second floor apartment and stood at the top of the stairs on the second floor. Another officer, a 39 to 40-year-old black male who was 5'11" to 6'0" tall with a medium build and a short haircut (identified through the investigation as

PO Kaz Daughtry), stood in the first floor hallway. PO Daughtry yelled out, “Who’s next? Who’s next?” § 87(2)(b) went downstairs and told § 87(2)(b) who was in the first floor hallway, that their son was okay.

§ 87(2)(b) stood at the entrance to his mother’s house and with an unidentified officer, a 26 to 28-year-old white male who was shorter than 6’0” tall, and was dressed in uniform. § 87(2)(b) told PO3, “Listen, you guys got out of hand.” § 87(2)(b) handed his identification to PO3 and told him to run his name. Without issuing any commands, unidentified officers, whom § 87(2)(b) could not describe, grabbed § 87(2)(b) by his arms and pulled him into the street. PO Daughtry punched § 87(2)(b) on his left cheekbone. The officers pulled § 87(2)(b) by his arms straight down to the ground. He was punched multiple times on his face and the back of his head while he was on the ground. § 87(2)(b) was kicked on his left hip. He did not see who was punching or kicking him, nor could he estimate how many times he was punched or kicked. Officers handcuffed § 87(2)(b). § 87(2)(b) tried to stand up, but he had trouble getting off the ground. The officers told him to “get the fuck up,” and pulled him up off of the ground. As § 87(2)(b) was being brought to his feet, an unidentified officer, whom § 87(2)(b) could not describe, punched him in the forehead. § 87(2)(b) did not resist at any time. § 87(2)(b) was arrested for an unknown charge. § 87(2)(b) was also arrested but was released with a desk appearance ticket. After the incident, § 87(2)(b)’s left eye was bruised. He had lumps over both of his eyes and scrapes on his forehead. He had a soft-ball sized bruise on his left hip. § 87(2)(b) went to his private doctor for treatment.

Arrest Photo

§ 87(2)(b)’s arrest photo (encl. 38) shows a contusion to his left cheekbone as well as redness and red marks to the left side of his forehead.

Victim: § 87(2)(b)

- § 87(2)(b)

Phone Statement

§ 87(2)(b) resides in § 87(2)(b). She provided a phone statement on April 26, 2011 (encl. 39-42). § 87(2)(b)’s sister-in-law, § 87(2)(b) was in the basement with her when she learned that police were upstairs. § 87(2)(b) walked up the basement stairs to the first floor, to see where § 87(2)(b) was. As § 87(2)(b) walked up the stairs, she heard people screaming. As she got to the first floor, she stopped in front of the entrance to the first floor apartment. A male whom § 87(2)(b) did not know was rolling in pain on the floor inside the apartment. § 87(2)(b) did not see this male or anyone else be pepper-sprayed.

§ 87(2)(b) closed and locked the door to the first floor apartment. She continued to walk through the hallway and look for § 87(2)(b). An unidentified officer, PO1, a male of unknown race in his late 30s who was a few inches taller than 5’5” with a muscular build, black hair, and olive-colored skin, was walking down the stairs from the second floor. § 87(2)(b) told PO1 that she was looking for her son. He told her to “shut the fuck up.” § 87(2)(b) followed PO1 to the entrance of the house. PO1 and a dark-skinned Indian male officer in his late 30s (identified through the investigation as Sgt. Karimzada) were standing outside of the entrance. § 87(2)(b) asked PO1 to look outside for her son, but she could not see past the officers. Sgt. Karimzada said, “You’re not listening. We told you to shut up.”

§ 87(2)(b) told § 87(2)(b) that § 87(2)(b) was upstairs washing out his eyes. After § 87(2)(b) held out his identification for the officers to check, PO1 grabbed

him by his sweater while another unidentified officer, whom § 87(2)(b) could not describe, punched § 87(2)(b) on the left side of his face. Four officers brought § 87(2)(b) who did not resist, face down to the ground. The officers kicked and punched § 87(2)(b) on his face, torso and his legs. § 87(2)(b) was knocked down to the floor and she fell onto her knees. She could not see who knocked her down. Three or four officers lifted § 87(2)(b) up and handcuffed her against a parked car. She did not resist. § 87(2)(b) was transported to the 75th Precinct stationhouse and released with a summons for disorderly conduct.

Victim: § 87(2)(b)

- § 87(2)(b)

Phone Statement

§ 87(2)(b) resides in § 87(2)(b). He provided phone statements on June 1, 2011 (encl. 61) and June 6, 2011 (encl. 62-64). § 87(2)(g). § 87(2)(b) was in the first floor hallway with about 25 people watching people freestyle rap. Also present was his cousin, § 87(2)(b) and § 87(2)(b). Four or five plainclothes officers opened the front door. The officers and the civilians were yelling at each other. Officers hit unknown civilians with their batons. § 87(2)(b) walked up the stairs to the second floor. An unidentified officer or officers sprayed pepper spray into the air. § 87(2)(b) felt something hit the top of his head, but did not know what it was. He got pepper spray in his eyes and he crawled to the second floor so he could wash out his eyes.

While § 87(2)(b) was washing his eyes out, he heard, but did not see, what sounded like a struggle between officers and § 87(2)(b) inside the apartment. A table was being pushed around. § 87(2)(b) knew that it was § 87(2)(b) because he recognized his voice saying, “I didn’t throw it!” § 87(2)(b) was not arrested.

Victim: § 87(2)(b)

- § 87(2)(b)

Phone Statement

On March 10, 2011, § 87(2)(b) provided a phone statement (encl. 66). The guests at the party included § 87(2)(b), § 87(2)(b)'s cousin, and § 87(2)(b)'s brother. Two officers, a 5'4" tall white female in her 40s with blond hair (identified through the investigation as Sgt. Barbara Fischer) and a 6'2" tall black male in his mid-30s (identified through the investigation as PO Daughtry) arrived at the party and said that the neighbors had made a complaint. § 87(2)(b) did not know what the complaint was. § 87(2)(b) told the officers that they would turn down the music. § 87(2)(b) said that people in his family were “arguing,” but they were not fighting. Sgt. Fischer told § 87(2)(b) that there was an open beer bottle outside of the house, and asked § 87(2)(b) to come outside to be issued a summons for an open container. § 87(2)(b). He told the officers that they could use a breathalyzer to check his breath, because he does not drink. Sgt. Fischer grabbed § 87(2)(b) by his shirt to pull him outside. PO Daughtry hit § 87(2)(b) with his baton on his left elbow, the right side of his ribs, and his left knee.

Shortly thereafter, about 30 uniformed officers responded. Officers started to pepper-spray people. While standing in the hallway, § 87(2)(b) showed Sgt. Fischer and PO Daughtry his identification. PO Daughtry said, “I don’t care,” and punched § 87(2)(b) on the left side of his face. § 87(2)(b) fell to the ground, and PO Daughtry continued to punch him. § 87(2)(b) saw unidentified officers, whom he could not describe, hit § 87(2)(b) with a baton on

the side of his face. As § 87(2)(b) was being handcuffed, three officers, in uniform and in plainclothes, punched and kicked § 87(2)(b) on his face. § 87(2)(b) could not describe the officers who were punching and kicking § 87(2)(b). Officers went upstairs to the second floor of the house. § 87(2)(b) stayed downstairs. He was not handcuffed or arrested.

On March 10, 2011, § 87(2)(b) scheduled an interview for March 16, 2011. On that date, he did not appear and did not call to cancel or reschedule. The CCRB sent a missed appointment letter, which was not returned. On March 18, 2011, § 87(2)(b) rescheduled his interview for April 13, 2011. On that date, he did not appear and did not call to cancel or reschedule.

Victim: § 87(2)(b)

- § 87(2)(b)

Phone Statement

On March 15, 2011, § 87(2)(b) provided the CCRB with a phone statement (encl. 67). While on the second floor, § 87(2)(b) heard arguing and yelling and walked down the stairs but stopped on the staircase. Two or three officers were arguing with a crowd of people. An unidentified officer, PO1, a black male in plainclothes, tried to pull § 87(2)(b) off of the stairs by grabbing the front of his shirt. § 87(2)(b) held onto the staircase. Unidentified officers, whom § 87(2)(b) could not describe, told him, “Get the fuck off.” An unidentified officer, whom § 87(2)(b) could not describe, hit him with a baton on his right hip. § 87(2)(b) jumped to the floor and a few of his family members pulled § 87(2)(b) away from officers as officers grabbed him by the pants. § 87(2)(b)'s family members pulled him into the living room on the first floor. § 87(2)(b) saw another unidentified officer, PO2, a 5’6” to 5’8” tall Hispanic male in his 20s with short hair point his gun at § 87(2)(b).

When § 87(2)(b) provided his phone statement, he said he did not have the time to provide an in-person statement. Inv. Hesel left one additional voicemail for him after he provided his phone statement, but § 87(2)(b) never called back to schedule an in-person interview.

Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

§ 87(2)(b) provided a phone statement on May 5, 2011 (encl. 43) and was interviewed at the CCRB on June 6, 2011 (encl. 44-52). § 87(2)(g) § 87(2)(b) was outside § 87(2)(b) when a marked vehicle arrived and two officers called him. § 87(2)(b) stood on the stoop with his arms in the air and said that he did not do anything wrong. The officers exited the car and approached § 87(2)(b). A Hispanic male officer who was 5’8” to 5’9” tall and in his mid-30s with black and white hair (identified through the investigation as Sgt. Karimzada) grabbed § 87(2)(b) by his right shoulder and asked why everyone was going inside. § 87(2)(b) stated that there was a party. Sgt. Karimzada punched § 87(2)(b) in the stomach two to three times. He threw § 87(2)(b) onto the hood of a parked car, causing scratches to his face. § 87(2)(b) § 87(2)(b)'s aunt and guardian, walked outside. Sgt. Karimzada told her that § 87(2)(b) had been drinking and smoking marijuana. The front door of the building was open and there were about 10 people in the front hallway freestyle rapping. Someone inside the house closed the front door. Four to five unidentified officers pushed the

front door open and went inside the house. A few minutes later, § 87(2)(b) saw § 87(2)(b) on the ground in front of the house. A group of 10 officers was on top of § 87(2)(b). An officer or officers hit § 87(2)(b) on his head with a baton. Officers were also punching § 87(2)(b) on his ribs and on his face.

§ 87(2)(b) asked what was going on. During his official statement, but not during his phone statement, § 87(2)(b) alleged that Sgt. Karimzada placed his forearm against § 87(2)(b)'s neck and held it for two to three seconds until § 87(2)(b) ducked his head away. § 87(2)(b) did not indicate whether his breathing was restricted. Sgt. Karimzada then grabbed § 87(2)(b)'s genitals with his hand. According to § 87(2)(b) this act was done as a use of force, not sexually. Sgt. Karimzada told § 87(2)(b) to shut up. He then handcuffed § 87(2)(b). § 87(2)(b) was released from the stationhouse with two summonses (encl. 47). § 87(2)(b) provided the CCRB with photos that § 87(2)(b) took on February 21, 2011 (encl. 50), which depict redness and two small abrasions to the right side of his chin. The photos do not depict any redness or markings to his neck.

Victim: § 87(2)(b)

- § 87(2)(b)

Phone Statement

On April 13, 2011, § 87(2)(b) provided a phone statement in Spanish (encl. 68). § 87(2)(b) who owns § 87(2)(b) heard yelling outside of her apartment on the second floor and opened the door to her apartment. A white female officer who was shorter than 5'2" tall and had a slim build (identified through the investigation as Sgt. Fischer) pointed her gun at § 87(2)(b). § 87(2)(b)'s son, took out his identification spoke to Sgt. Fischer in English. An unidentified civilian fell to the floor into the hallway. An unidentified officer, whom § 87(2)(b) could not describe, pepper sprayed the civilian and hit him with a baton. § 87(2)(b) stated that she did not want to provide a sworn statement to the CCRB.

Victim: § 87(2)(b)

- § 87(2)(b)

Phone Statement

On May 2, 2011, § 87(2)(b) provided a phone statement (encl. 70-71). He was in the basement and heard people screaming upstairs. When § 87(2)(b) walked upstairs, a white female officer with dirty blonde hair (identified through the investigation as Sgt. Fischer), punched him on the right side of his jaw. An unidentified 25-year-old white male officer with black hair hit § 87(2)(b) on the back of his head and on his back with a baton. The officers dragged § 87(2)(b) outside of the house and unidentified officers, whom he could not describe, hit him with their batons. § 87(2)(b) was arrested.

On May 2, 2011, § 87(2)(b) scheduled an interview for May 11, 2011. On that date, he did not appear and did not call to cancel or reschedule. The CCRB sent him a missed appointment letter, which was not returned. On May 12, 2011, § 87(2)(b) rescheduled his interview for May 17, 2011. On that date, he did not appear and did not call to cancel or reschedule.

Arrest Photo

§ 87(2)(b)'s arrest photo (encl. 71) shows a cut on the bridge of his nose and scratches on the front of his forehead.

Victim: § 87(2)(b)

- § 87(2)(b)

Phone Statement

On June 10, 2011, § 87(2)(b) provided a phone statement (encl. 75-76). He sat on the stairs between the first and second floors. § 87(2)(b) saw that his cousin, § 87(2)(b) was outside the house in handcuffs, so he went upstairs to look for § 87(2)(b). He returned to the stairs and saw a group of officers in the hallway. § 87(2)(b)'s cousin, § 87(2)(b) was on the stairs. PO1, an unidentified 28 to 30-year-old black male officer who was 6'0"-6'3" tall and weighed 210 pounds, was hitting § 87(2)(b) on the legs with his baton. PO1 pulled § 87(2)(b) by his braids to get him off of the railing of the stairs. § 87(2)(b) grabbed onto § 87(2)(b)'s hands. PO1 raised his baton at § 87(2)(b). § 87(2)(b) went to the top of the stairs. PO1 chased after § 87(2)(b) who ran into the second floor apartment and tried to close the front door. § 87(2)(b) held his hands up in the air. PO1 hit § 87(2)(b)'s left leg with his baton, causing him to fall to the ground. Other officers came inside the apartment and hit and kicked him. An unidentified officer, PO2, a 37-year-old heavysset white male with black hair, handcuffed § 87(2)(b).

On June 10, 2011, § 87(2)(b) scheduled an interview for June 15, 2011. On that date, he did not appear and did not call to cancel or reschedule. The CCRB sent him a missed appointment letter, which was not returned. On June 20, 2011, § 87(2)(b) rescheduled his interview for June 22, 2011. On that date, he called to reschedule his interview for June 29, 2011. On that date, § 87(2)(b) did not appear and did not call to cancel or reschedule.

Arrest Photo

§ 87(2)(b)'s arrest photo (encl. 76) does not show any visible injuries.

Victim: § 87(2)(b)

- § 87(2)(b)

Phone Statement

On May 4, 2011, § 87(2)(b) provided a phone statement (encl. 72-73). § 87(2)(b) walked up from the basement to go outside and smoke a cigarette and officers entered the house. PO1, an unidentified black male officer in his 30s or 40s who was 5'10" tall and had a slim build, hit § 87(2)(b) above his left eyebrow and left arm with a baton. § 87(2)(b) was arrested.

On May 4, 2011, § 87(2)(b) scheduled an interview for May 17, 2011. On that date, he did not appear and did not call to cancel or reschedule. The CCRB sent him a missed appointment letter, which was not returned. On May 18, 2011, § 87(2)(b) rescheduled his interview for May 24, 2011. On that date, he did not appear as scheduled.

Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

§ 87(2)(b) provided a phone statement on May 5, 2011 (encl. 53-54) and was interviewed at the CCRB on June 6, 2011 (encl. 55-60). § 87(2)(g) § 87(2)(b) s brother-in-law, § 87(2)(b) informed her that § 87(2)(b) was stopped by officers outside of the building. As § 87(2)(b) went outside, she observed an unidentified officer, PO1, a white male in his 40s who was 5'6" to 5'7" tall, "slam" § 87(2)(b) s back into a parked car. § 87(2)(b) asked PO1 what the problem was. PO1 said that he was going to give § 87(2)(b) two summonses. PO1 grabbed § 87(2)(b) s genitals with his hand and stated, "Oh you think you're a big man." § 87(2)(b) said that he had the right to question what was going on. PO1 said, "While I'm here, you don't got no fucking rights."

PO2, a 5'1" to 5'2" tall white female in her 40s with dirty blonde hair (identified through the investigation as Sgt. Fischer) told § 87(2)(b) that there had been noise complaints, so § 87(2)(b) § 87(2)(b) stated that she would go downstairs to tell the DJ to turn down the music. After she walked in, a civilian started to close the front door. Sgt. Fischer stopped the door and said, "You don't fucking close this door. You leave it fucking open." A light-skinned Hispanic or black officer in his 40s who was 5'10" to 5'11" tall, had a muscular build, and was bald (identified through the investigation as PO Daughtry) grabbed an unidentified civilian and pulled him out of the house. The male held his arms out to brace himself against the door so that PO Daughtry could not pull him. PO Daughtry removed his baton and hit the male about 10 times on his back while still trying to pull him.

§ 87(2)(b) walked down from the second floor and PO Daughtry said to him, "You get the fuck over here." PO Daughtry walked up the steps and grabbed § 87(2)(b) by his shoulder. § 87(2)(b) grabbed onto the banister of the stairs and said that he did not do anything. PO Daughtry hit § 87(2)(b) on his back, side, and legs with his baton. § 87(2)(b) § 87(2)(b) asked PO Daughtry why he was hitting § 87(2)(b) PO Daughtry turned around and struck § 87(2)(b) on the forehead with his baton. Other plainclothes officers dragged § 87(2)(b) outside of the house. These officers kicked him and hit him with their batons. Someone yelled for the people in the hallway to take out their cameras. An unidentified white male officer in his 30s who was 5'4" tall and had a medium build sprayed his pepper spray twice at the group of people.

§ 87(2)(b) entered the first floor hallway from the basement. He said to the officers, "What are y'all doing?" PO Daughtry walked up to him and punched him in the forehead. Other officers pulled him outside of the house. § 87(2)(b) was sitting on the stairs to the second floor and suddenly ran upstairs. PO Daughtry ran upstairs behind him. § 87(2)(b) presented his identification to PO Daughtry and stated that he served in the military. PO Daughtry said, "I don't give a fuck." PO Daughtry punched § 87(2)(b) in the forehead and pulled him outside. Officers told § 87(2)(b) to step outside. An unidentified white male officer, PO5, whom § 87(2)(b) could not describe further, "slammed" § 87(2)(b) onto a parked car and handcuffed her. An unidentified male civilian came upstairs and said he wanted to leave. PO Daughtry grabbed the male by his shoulders and threw him down to the ground. About seven male plainclothes officers, including PO Daughtry, jumped on the male. They hit him on his face and all over his body with their extendable batons.

Witness: § 87(2)(b)

- § 87(2)(b)

Phone Statement

On May 20, 2011, § 87(2)(b) provided a phone statement (encl. 74). Some family members at the house got into an altercation. A white female officer with blonde hair (identified through the investigation as Sgt. Fischer) and a black male officer in his late 20s who was 5'10"

tall (identified through the investigation as PO Daughtry) entered the front door of the house. § 87(2)(b) walked outside of the house. Shortly thereafter, unidentified officers rushed inside the house. § 87(2)(b) saw multiple officers whom he could not describe strike two males on their arms with batons. Sgt. Fischer swung her baton, but § 87(2)(b) did not see her make contact with anyone. § 87(2)(b) was arrested and released from the stationhouse with a summons for § 87(2)(b).

Witness: § 87(2)(b)

- § 87(2)(b)

Phone Statement

On April 28, 2011, § 87(2)(b) provided a phone statement (encl. 69). She went from the basement upstairs to the first floor when she heard officers. Unidentified officers, whom § 87(2)(b) could not describe, pepper-sprayed a group of about 20 people in the hallway. § 87(2)(b) was not pepper-sprayed. She went into the living room of the first floor apartment and did not see anything else.

Attempts to Contact Civilians

After Inv. Hesel interviewed § 87(2)(b) and § 87(2)(b) over the phone, she mailed them verification and medical release forms with instructions to fill them out and mail them back. Between May 18, 2011 and July 8, 2011, Inv. Hesel placed six calls to § 87(2)(b) and § 87(2)(b) about returning these forms. On June 28, 2011, she informed them that if they did not return them by July 8, 2011, the allegations of which they were victims would be closed as uncooperative. The forms were never returned to the CCRB.

On April 6, 2011, § 87(2)(b)'s lawyer, § 87(2)(b) stated that she did not want § 87(2)(b) to provide a statement to the CCRB while his criminal case was open.

Between March 7, 2011 and May 2, 2011, the CCRB sent two letters and left five voicemails for § 87(2)(b) § 87(2)(b)'s wife. The letters were not returned to the CCRB. § 87(2)(b) has not responded to these contact attempts.

Between April 28, 2011 and May 10, 2011, Inv. Hesel left five voicemails at the phone number provided for § 87(2)(b) who was arrested during the incident. § 87(2)(b) never called the CCRB.

On April 25, 2011, Inv. Hesel contacted § 87(2)(b) who called 911 to report the incident. She was present at the party but did not witness any allegations of police misconduct. On April 28, 2011, Inv. Hesel contacted § 87(2)(b) who also did not witness any allegations.

NYPD Statements:

Subject Officer: PO JASON ROSENBERG

- *PO Rosenberg is a § 87(2)(b)-old white male who is 5'10" tall, weighs 155 pounds, and has brown hair and blue eyes.*
- *PO Rosenberg worked from 11:35 p.m. on February 19, 2011 to 7:00 a.m. on February 20, 2011 with PO Daughtry and Sgt. Fischer. They were in uniform and were assigned to the 75th Precinct conditions team in a silver Jeep.*

Memo Book

According to PO Rosenberg's memo book (encl. 105-107), there were seven individuals placed under arrest at 12:55 a.m. at § 87(2)(b).

Complaint Reports and Online Booking Sheets

PO Rosenberg completed the complaint reports and online booking sheets (encl. 108-132) for § 87(2)(b) and § 87(2)(b).

According to these reports, PO Rosenberg observed a large disorderly group of 50 to 70 people. The people were drinking and there was loud music. PO Rosenberg attempted to make contact with the property owner. He saw several males fighting with each other in the hallway. PO Rosenberg requested an additional unit. As other officers arrived, PO Jackson was struck in the face with a 16 ounce bottle of Corona beer. The defendants prevented PO Rosenberg from apprehending § 87(2)(b) who PO Rosenberg saw throw the bottle.

Physical force was used to overcome assault in each of the above arrests. The complaint report for the arrests notes that the defendants punched and kicked PO Rosenberg in the arms and hands, which caused injury. § 87(2)(b) and § 87(2)(b) were under the influence of alcohol at the time of their arrests. § 87(2)(b) and § 87(2)(b) were under the influence of drugs at the time of their arrests.

§ 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(b), § 87(2)(a) 160.50. § 87(2)(b) was arrested for § 87(2)(b), § 87(2)(a) 160.50. § 87(2)(b) was arrested for § 87(2)(b), § 87(2)(a) 160.50.

CCRB Statement

PO Rosenberg was interviewed at the CCRB on November 17, 2011 (encl. 133-135). On February 20, 2011 at 12:37 a.m., PO Rosenberg received several 311 complaints about noise violations at § 87(2)(b) in Brooklyn. When he and his partners responded, there were about 20 people outside the building. Many of these people were drinking alcohol and smoking what smelled like and appeared to be marijuana. Sgt. Fischer told one of the people that there had been several complaints and that the party needed to move inside and the music needed to be turned down. The person told her to “go fuck herself.” Sgt. Fischer grabbed two individuals’ arms and took them towards the police vehicle. They were not placed in handcuffs. As they walked back to the vehicle, a civilian tried to move everyone inside, but became involved with 40-50 guests in a fight inside the vestibule of the house.

Sgt. Fischer entered the house while issuing commands to back up and leave the party. An unidentified civilian threw her out of the house and PO Rosenberg caught her on the steps. PO Rosenberg and PO Daughtry ran into the building to apprehend the people who pushed Sgt. Fischer. PO Rosenberg went to the middle of the house and pushed people to try to clear them out. He issued verbal commands to leave the house. The fight stopped, at which point members of the crowd turned their attention to the officers and PO Rosenberg was pushed to the ground from behind. People were stepping on his entire body. PO Rosenberg sustained a contusion to his right hand and minor cuts to his face. He was later taken to the hospital. A minute later, someone helped PO Rosenberg up and he noticed that he had dropped his radio.

Neighbors observed what was happening and called 911 to report that officers were being assaulted. About 70 additional units responded to the location. PO Rosenberg did not recall any other officers who responded, but many were from different commands. PO Jackson, an anticrime officer, was standing outside the doorway to the building. As PO Rosenberg walked out of the vestibule, he observed a bottle bounce off PO Jackson’s head. PO Rosenberg did not observe who threw it, but PO Jackson chased up a flight of stairs the perpetrator who had thrown the bottle. After viewing the corresponding arrest reports, PO Rosenberg identified § 87(2)(b).

§ 87(2)(b) as the individual whom PO Jackson chased after the bottle was thrown.

PO Rosenberg instructed people to back up. He did not recall using or hearing other officers use profanity while issuing commands. Several members of the crowd blocked the paths of officers who tried to apprehend § 87(2)(b) and officers pushed them out of the way and handcuffed them. One officer grabbed § 87(2)(b)'s leg and people threw punches at other officers who tried to apprehend § 87(2)(b). When shown § 87(2)(b)'s arrest photograph, PO Rosenberg indicated that he flailed his arms with closed fists and yelled that the officers had no right to be in the house without a warrant. PO Rosenberg did not make physical contact with § 87(2)(b). He never saw § 87(2)(b) on the ground. PO Rosenberg did not punch or kick any individuals and did not draw his asp.

While officers pursued § 87(2)(b) PO Rosenberg was attempting to locate his radio as well as find PO Daughtry. PO Jackson had his asp out, but did not strike any civilians. PO Rosenberg did not see any officers strike anyone with an asp. He did not use his pepper spray, but unidentified officers used pepper spray to keep other members of the crowd from intervening. Everyone who was arrested participated in preventing the arrest of § 87(2)(b) but PO Rosenberg did not recall the specific actions that each person took. He recognized the arrest photos of § 87(2)(b) and § 87(2)(b). § 87(2)(b) kicked PO Rosenberg's hands while he was on the ground. PO Rosenberg assisted in handcuffing several arrestees, but did not remember specifically which ones. He did not assist in or observe the handcuffing of any civilians outside the building.

PO Rosenberg found his radio in the hallway of the building and located PO Daughtry, who had remained outside the building. PO Rosenberg did not make any physical contact with § 87(2)(b). He obtained the necessary medical treatment for civilians whose injuries he observed at the stationhouse.

Subject Officer: SGT. BARBARA FISCHER

- *Sgt. Fischer is a § 87(2)(b)-old white female who is 5'2" tall, weighs 130 pounds, and has brown hair and blue eyes.*
- *Sgt. Fischer worked from 5:15 p.m. on February 19, 2011 to 4:12 a.m. on February 20, 2011 with PO Daughtry, PO Rosenberg, and Sgt. Karimzada. She was in uniform and was assigned to the 75th Precinct Impact team in an unmarked vehicle.*

Memo Book

According to Sgt. Fischer's memo book (encl. 80-82), there was a call for assistance and officers in danger at § 87(2)(b) in Brooklyn following a riot. Civilians were fighting with each other and there was alcohol in public view. Ten civilians were arrested by PO Rosenberg and PO Daughtry. Sgt. Karimzada notified IAB regarding three perpetrators with facial injuries, who were transported to the hospital.

CCRB Statement

Sgt. Fischer was interviewed at the CCRB on January 19, 2012 (encl. 83-84). Sgt. Fischer was patrolling when she observed a male drinking in public. PO Daughtry and PO Rosenberg asked the male for his ID, but he § 87(2)(b) to provide it. This person was being combative with the officers. A female came out of the house and said that the officers had to leave because it was a private party. Sgt. Fischer told her that the matter did not concern her. The door to the house opened and more than 15 people came outside and yelled that the police should leave. Once the door opened, there was a strong odor of marijuana emanating from the house. The officers called for backup and more than 20 officers from multiple commands

responded. Sgt. Fischer heard other officers yell that PO Jackson was hit with a bottle and that Captain Henderson was punched by a civilian.

At one point, an officer whom Sgt. Fischer did not remember was stuck in the middle of the riot and had dropped his radio. Sgt. Fischer pushed several people out of the way with her hands to help the officer get out of the house. She grabbed the radio and yelled to other officers, "Let's get the fuck out of here" because it was such a stressful and dangerous situation. Sgt. Fischer did not direct profanity towards civilians. Other officers used profanity, but Sgt. Fischer did not recall whether it was directed at civilians. Sgt. Fischer smelled pepper spray, but did not observe any officers discharge any. Officers whom she did not know drew their asps but she did not see them strike any civilians. The officers used the asps to hold back civilians. Sgt. Fischer did not observe officers take any actions to cause property damage inside the house. She did not observe any officers use a chokehold against any civilians or use any additional force, including pointing guns.

Subject Officer: PO KAZ DAUGHTRY

- *PO Daughtry is a § 87(2)(b)-old black male who is 6'1" tall, weighs 179 pounds, and has black hair and brown eyes.*
- *PO Daughtry was interviewed at the CCRB on January 19, 2012. PO Daughtry worked from 5:30 p.m. on February 19, 2011 to 2:05 a.m. on February 20, 2011 with PO Rosenberg, Sgt. Karimzada, and Sgt. Fischer. They were in uniform and were assigned to the 75th Precinct Impact team.*

Memo Book

PO Daughtry did not have his memo book with him on the date of his interview.

Line of Duty Witness Statement

According to the Line of Duty witness statement regarding PO Rosenberg's injuries (encl. 101), which PO Daughtry prepared, PO Daughtry observed PO Rosenberg try to lawfully arrest a perpetrator, who kicked PO Rosenberg in the hand.

CCRB Statement

PO Daughtry was interviewed at the CCRB on January 19, 2012 (encl. 103-104). He corroborated Sgt. Fischer's account of the beginning of the incident. PO Daughtry talked to each person individually and told them to calm down. Either Sgt. Karimzada or PO Rosenberg placed one handcuff on the belligerent civilian because he was also smoking marijuana. Eight family members pulled the male into the house. PO Rosenberg, Sgt. Fischer, and Sgt. Karimzada gave chase inside the home, while PO Daughtry called for additional units. In total, over 100 officers responded from multiple commands. Civilians fought amongst themselves in the hallway and threw at officers anything that was not nailed to the floor, including bottles and a microwave.

PO Daughtry heard a bottle break after striking PO Jackson. PO Daughtry did not see who threw the bottle and did not know whether the perpetrator was arrested. He did not hear any officers use any profanity, nor did he observe any officers use a chokehold or any additional force against civilians. PO Daughtry did not see officers intentionally cause property damage. No officers pointed their guns at any civilians. PO Daughtry did not go inside the building and did not observe officers strike anyone with batons. He smelled pepper spray wafting from in the house, but did not see who discharged it.

Subject Officer: SGT. MOHAMMED KARIMZADA

- *Sgt. Karimzada is a § 87(2)(b)-old Asian male who is 5'11" tall, weighs 188 pounds, and has*

black hair and brown eyes.

- *Sgt. Karimzada worked from 5:20 p.m. on February 19, 2011 to 2:17 a.m. on February 20, 2011 with PO Daughtry, PO Rosenberg, and Sgt. Fischer. They were in uniform and were assigned to Impact in an unmarked beige vehicle.*

Memo Book

According to Sgt. Karimzada's memo book (encl. 89-92), at 12:15 a.m., he stopped a male in front of § 87(2)(b) because of loud noise and drinking. The male was highly uncooperative and an ADW search revealed that he was a gang recidivist. There were males fighting inside of § 87(2)(b) with about 6-8 others in a party of more than 50 people. Many of the partygoers were highly intoxicated. A Hispanic male threw a bottle at PO Jackson. An unknown officer called for backup. When trying to apprehend the individual who threw the bottle at PO Jackson, ten partygoers were arrested for § 87(2)(b). At 1:15 a.m., Sgt. Karimzada requested EMS and at 3:30 a.m. he notified IAB.

Statement to IAB

On February 20, 2011, Sgt. Karimzada reported the incident to the IAB Command Center (encl. 26-27). During Operation Total Impact, which was conducted by officers from the 90th Precinct, the Gang Unit, and officers from the 75th Precinct, Sgt. Karimzada, PO Rosenberg, PO Daughtry, and Sgt. Fischer responded to a dispute/assault at § 87(2)(b). A 10-13 was called. Numerous officers responded and ran up to the apartment to push back an unruly crowd. § 87(2)(b) who sustained a bump on his left forehead and a nose bleed, § 87(2)(b), who sustained a gash on his left forehead, and § 87(2)(b) who sustained a facial laceration, were transported to § 87(2)(b). One civilian refused medical attention at the stationhouse.

CCRB Statement

Sgt. Karimzada was interviewed at the CCRB on April 25, 2012 (encl. 93-94). As he and his partners drove past § 87(2)(b) they heard loud noise and observed four to five Hispanic males outside the house. One of the males was drinking an alcoholic beverage. The officers asked the group to lower the music, but the civilians ignored this request. Sgt. Karimzada asked the male for his identification to issue him a summons. The male did not have his identification, but verbally provided his information. Sgt. Karimzada went back to his vehicle to check the name and found that he was a gang recidivist. Sgt. Karimzada's partners remained outside the vehicle and told the other people to lower the music and control the party. Another person in the group said, "Fuck the police, let's go inside," at which point the other people walked inside.

Shortly thereafter, the front door of the house opened and six to eight civilians were fighting amongst themselves inside the home. There were more than 50 people in the house, many of whom were intoxicated. At that point, anticrime officers, including PO Jackson, were driving past and stopped to see what was happening. As PO Jackson exited his vehicle and stood on the sidewalk, an unidentified male from inside the home threw a Heineken bottle at PO Jackson, who was standing on the sidewalk. Sgt. Fischer pursued the male who threw the bottle. Once she entered the front hallway, the male fled up the stairwell inside the home. The male was cursing, spitting, and shouting at the officers. Sgt. Karimzada was later informed that an unidentified civilian punched a responding officer, Captain Henderson.

An unidentified officer called for backup and approximately 50 officers responded. Almost everyone in the house tried to approach the hallway. Several people pulled Sgt. Fischer into the house and punched her. Officers issued multiple commands for the civilians to exit the

house. Ten individuals who were blocking Sgt. Fischer's path were placed under arrest. Sgt. Karimzada did not hear PO Rosenberg tell anyone to "back the fuck up." He did not recall whether he drew his asp or whether other officers did so. Sgt. Karimzada did not observe any officers strike any civilian with a baton. Sgt. Karimzada did not see any officer pepper spray anyone, but did smell pepper spray. Sgt. Karimzada did not see any officers with their guns pointed or drawn and did not observe Sgt. Fischer point her gun at § 87(2)(b). Sgt. Karimzada did not see Sgt. Fischer punch § 87(2)(b) in the right side of the jaw.

Sgt. Karimzada recognized several civilians from their arrest photos, but did not recall specific actions that each individual took. Sgt. Karimzada did not recall whether he handcuffed any of the defendants. He did not punch anyone in the stomach and did not remember whether he handcuffed anyone against the hood of a car. Sgt. Karimzada did not place his hands or forearm anywhere near § 87(2)(b)'s neck and did not place him in a chokehold. He did not grab § 87(2)(b)'s genitals and tell him to shut up. Sgt. Karimzada did not observe PO Daughtry punch § 87(2)(b) on the left cheekbone or punch him in the back of the head. He did not hear any officer tell § 87(2)(b) "Get the fuck up." Sgt. Karimzada did not observe any officer take any action to intentionally cause property damage inside the home. He did not hear any officers use any profanity towards any civilians.

Witness Officer: PO JASON JACKSON

- *PO Jackson is a § 87(2)(b)-old black male who is 6'4" tall, weighs 200 pounds, and has black hair and brown eyes.*
- *PO Jackson worked from 5:30 p.m. on February 19, 2011 to 2:05 a.m. on February 20, 2011 with PO Arteaga. They were in plainclothes and were assigned to the 75th Precinct anticrime team in an unmarked vehicle.*

Memo Book

According to PO Jackson's memo book (encl. 85-86), at 1:30 a.m. he responded to a call for assistance at Miller and Liberty Avenues, where he had a bottle thrown at him, causing an injury.

CCRB Statement

PO Jackson was interviewed at the CCRB on January 19, 2012 (encl. 87-88). When he arrived, there were more than 40 civilians and more than 10 officers. After viewing the corresponding arrest photos, PO Jackson indicated that § 87(2)(b) was throwing punches at several unknown officers, several of which landed. Many civilians were yelling at the officers. As PO Jackson stood in the vestibule of the house, he saw out of the corner of his eye someone throw a beer bottle at his head. He moved his head and the bottle skimmed the right side of his forehead before breaking on the ground. The contents of the bottle splashed on PO Jackson's jacket and the wall. The bottle did not contain beer; PO Jackson believed it contained urine. PO Jackson saw the individual who threw the bottle, but could not apprehend him because there were so many people in between them.

PO Jackson put his arm out and tried to keep the civilians back. He did not draw or point his gun and did not observe any other officer do so. PO Jackson did not see any officer kick, push, or punch any civilians. He issued verbal commands for people to back up and may have said, "Back the fuck up" because it was such a highly stressful situation. PO Jackson did not recall any officer using profanity. Other officers drew their asps and held them at the front of their bodies to keep people back. PO Jackson did not remember officers striking civilians with asps. He did not see an officer discharge pepper spray or observe any officers place their hands around a civilian's neck or use a chokehold.

NYPD Documents

SPRINTs

According to the corresponding SPRINT reports (encl. 138-145), at 12:37 a.m., a female, § 87(2)(b) reported that there was a fight at the location in which one male was thrown down the stairs during a fight between civilians. The male was lying on the floor complaining that his leg hurt. § 87(2)(b) also reported that plainclothes officers were pepper-spraying people. There was a male on the floor screaming because he was pepper-sprayed in the face. Subsequently, a male named § 87(2)(b) a female named § 87(2)(b) and an anonymous male all reported that people had been pepper-sprayed. The anonymous male added that officers were hitting civilians for no reason. § 87(2)(b) also said that there was a big riot and not enough officers. An anonymous female corroborated that there was a big fight and that officers pepper-sprayed six to seven civilians. The times of the calls after § 87(2)(b) are unknown.

At 12:35 a.m., the 75th Precinct Impact sergeant transmitted a call for assistance. At 12:37 a.m., he stated that no further units were needed. At 12:38 a.m., the sergeant again requested additional units to the location. The impact sergeant requested additional units. The following units responded: 73 LT1, 75 ST1, 75 ST2, 75 ST3, 75ST4, 73C, 73H, 75A, 75E, as well as plainclothes units and the conditions sergeant. Ten arrests were made.

AIDED and Medical Records

According to the AIDED prepared for PO Rosenberg (encl. 96-100), he sustained bruising and swelling to his hands. PO Rosenberg was transported to § 87(2)(b), where he was diagnosed with hand pain and a finger contusion (encl. 102). He was advised to elevate and ice his hand, and to take Motrin for the pain.

Arrest Photos

§ 87(2)(b)'s arrest photo (encl. 73) shows swelling to the area around his left eye and a cut on the left side of his forehead. His left eyebrow was also red. § 87(2)(b)'s arrest photo (encl. 157) shows a bruise on the upper right side of his forehead near his hairline and significant swelling under and around his left eye. § 87(2)(b)'s arrest photo (encl. 158) shows bruising to the areas around his eyes, scratches to the left side of his forehead and nose, and a vertical scratch along his right cheek. § 87(2)(b)'s arrest photo (encl. 159) shows a bruise above his left eye and a rip to the right shoulder of his shirt.

Command Log

According to the command log (encl. 150-151), § 87(2)(b) had a scrape to the left side of his face. § 87(2)(b) complained of an injury to his left leg. § 87(2)(b) had a cut to his head. § 87(2)(b) had a facial laceration. § 87(2)(b) had a laceration to his head. § 87(2)(b) and § 87(2)(b) were taken to § 87(2)(b). § 87(2)(b) had cuts to his lip. § 87(2)(b) had a scratch to his forehead. The entry for § 87(2)(b) also notes "left eye," with no further explanation. § 87(2)(b) and § 87(2)(b) were not injured. They were each released with a § 87(2)(b) summons. § 87(2)(b) also received a summons for § 87(2)(b).

Pre-Arrest Screening Form

According to his pre-arrest screening form (encl. 136-137), § 87(2)(b) had a contusion and an abrasion to the left side of his forehead and the left side of his face.

Arrests for Incident and Dispositions

- Sgt. Karimzada has been a member of the service for 18 years and there are no substantiated CCRB allegations against him (encl. 11).
- PO Daughtry has been a member of the service for six years and there are two substantiated CCRB allegations against him (encl. 12-13):
 - In CCRB #200710793, the Board substantiated allegations of gun pointed and threat of force. PO Daughtry pled guilty and lost 10 vacation days.
- Sgt. Fischer has been a member of the service for 14 years and there is one substantiated CCRB allegation against her (encl. 14-16):
 - In CCRB #200914676, the Board substantiated a discourtesy allegation. The NYPD imposed a penalty of Command Discipline – B.

Conclusion

Allegation Not Pleaded

Although the officers entered § 87(2)(b) during the incident, it is undisputed that there was a fight occurring inside the vestibule of the house during which there were injuries involving a large number of people. The entry of the house was to break up the fight as well as to apprehend the civilian who threw a bottle at PO Jackson. Additionally, no civilians specifically indicated that they were complaining about the entry; the focus of every civilian's complaint was the use of force. § 87(2)(g)

Identification of Subject Officers

The first four responding officers all acknowledged having interactions with civilians at the incident location. Additionally, several civilians provided detailed and differentiating physical descriptions of three of the four officers who responded first—a Hispanic or Indian male, a thin white female, and a tall black male. These descriptions closely matched the pedigree of Sgt. Karimzada, Sgt. Fischer, and PO Daughtry. Additionally, § 87(2)(b) and § 87(2)(b) indicated that the white female officer, identified as Sgt. Fischer, and the black male officer who struck § 87(2)(b) and § 87(2)(b) with batons, identified as PO Daughtry, arrived at the house together. § 87(2)(g)

Because of the vague or nonexistent descriptions of the officers who used force against § 87(2)(b) and § 87(2)(b) and struck § 87(2)(b) and § 87(2)(b) with batons, the investigation was unable to identify the subject officers of these allegations. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Force: Sgt. Mohammed Karimzada used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Sgt. Karimzada punched him in the stomach two to three times, threw him onto the hood of a car, and grabbed his genitals. None of the other civilians or officers corroborated these allegations. Sgt. Karimzada denied placing his forearm anywhere near § 87(2)(b)'s neck and grabbing § 87(2)(b)'s genitals. The command log noted that § 87(2)(b) was not injured. However, § 87(2)(b) provided photos showing cuts to § 87(2)(b)'s chin, § 87(2)(g). There were no documented injuries to § 87(2)(b)'s stomach or genitals as a result of Sgt.

Karimzada grabbing them. § 87(2)(g)

Allegation B – Discourtesy: Officers spoke obscenely to § 87(2)(b) and individuals.

§ 87(2)(b) and § 87(2)(b) all testified that multiple officers used profanity during the incident. Sgt. Fischer acknowledged that she used profanity when speaking to other officers due to the high level of stress during the incident. According to Police Department v. Matias (OATH Index Nos. 1996/00 & 1997/00, May 6, 1997), it is permissible for a police officer to use profanity “in the heat of a highly dangerous situation” (encl. 1-8). § 87(2)(g)

Allegation C – Force: Officers used pepper spray against § 87(2)(b) and individuals.

§ 87(2)(b) and § 87(2)(b) all indicated that multiple officers used pepper spray inside of § 87(2)(b) § 87(2)(b) and § 87(2)(b) provided differing physical descriptions of an officer who used pepper spray, while § 87(2)(b) and § 87(2)(b) could not describe the officers. The officers who were interviewed confirmed that pepper spray was discharged, but they all denied using pepper spray and stated that they did not see who discharged it. § 87(2)(g)

Allegation D – Force: PO Kaz Daughtry used physical force against § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) all testified that PO Daughtry punched § 87(2)(b) unprovoked after he produced identification. All the officers denied punching or seeing another officer punch § 87(2)(b). Although PO Jackson indicated that § 87(2)(b) threw punches at several officers, none of the officers recalled the circumstances of § 87(2)(b)'s apprehension. § 87(2)(b)'s arrest photo shows injuries § 87(2)(g)

Allegation E – Force: Sgt. Barbara Fischer used physical force against § 87(2)(b)

§ 87(2)(b) stated that Sgt. Fischer punched him unprovoked as he walked up the stairs inside of § 87(2)(b). None of the other civilians corroborated § 87(2)(b)'s allegation. All the officers denied punching or seeing another officer punch § 87(2)(b). None of the officers recalled the circumstances of § 87(2)(b)'s apprehension. § 87(2)(g)

§ 87(2)(g)

Allegation F – Force: Officers used physical force against § 87(2)(b) and § 87(2)(b)
§ 87(2)(b) testified that during the course of being handcuffed, he was punched and kicked by multiple officers. § 87(2)(b) and § 87(2)(b) corroborated this, but none of the civilians could provide physical descriptions of the officers. § 87(2)(b) and § 87(2)(b) testified that officers punched and kicked § 87(2)(b). However, they were unable to provide physical descriptions of the officers who used the force. § 87(2)(b)'s attorney did not permit him to provide a statement. § 87(2)(g)

Allegation G – Force: PO Kaz Daughtry struck § 87(2)(b) and § 87(2)(b) with a baton.
Allegation H – Force: Officers struck § 87(2)(b) and § 87(2)(b) with batons.

§ 87(2)(b) alleged that PO Daughtry struck him with a baton, and § 87(2)(b) alleged that PO Daughtry struck § 87(2)(b) and § 87(2)(b) with his baton. Other civilians who provided phone statements alleged that unidentified officers struck § 87(2)(b) and § 87(2)(b) with batons. § 87(2)(b) and § 87(2)(b) all did not provide official statements. § 87(2)(g)

Allegation I – Force: Sgt. Barbara Fischer pointed her gun at § 87(2)(b)
During § 87(2)(b)'s phone statement, she alleged that Sgt. Fischer pointed her gun at § 87(2)(b). The only other civilian who corroborated a gun pointed allegation was § 87(2)(b) who was also uncooperative. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Team: _____

:

Investigator: _____

	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date